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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,786	02/24/2004	Moshe E. Matsa	POU920030086US1	3750

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EXAMINER
LOVEL, KIMBERLY M

ART UNIT	PAPER NUMBER
2167	

NOTIFICATION DATE	DELIVERY MODE
12/29/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoboca@fggbb.com

	Application No.	Applicant(s)
Office Action Summary	10/786,786	MATSA ET AL.
	Examiner	Art Unit	
	KIMBERLY LOVEL	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 October 2008*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1,2,4-8 and 21-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1, 2, 4-8 and 21-24* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Claims 1, 2, 4-8 and 21-24 are currently pending and claims 3 and 9-20 are

canceled.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10

September 2008 has been entered.

Claim Rejections - 35 USC § 112

3.   The rejections of **Claims 1, 9, 17 and 24** under 35 U.S.C. 112, first paragraph,

as failing to comply with the written description requirement have been withdrawn as

necessitated by applicant's amendments and arguments.

Claim Rejections - 35 USC § 101

4.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

5.   **Claims 1, 2, 4-8 and 21-24** are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

6.   Claim 1 is directed towards a method for managing configuration data.

According to MPEP § 2106.IV.B, the first step in determining whether a claim recites

patent eligible subject matter is to determine whether the claim falls within one of the

four statutory categories of invention recited in 35 USC § 101: process, machine,

manufacture and composition of matter. The latter three categories define "things" or

"products," while a "process" consists of a series of steps or acts to be performed. For

purposes of § 101, a "process" has been given a specialized, limited meaning the

courts. Based on Supreme Court precedent and recent Federal Circuit decisions, a

claimed process is patent-eligible under § 101 if: (1) it is tied to a particular machine or

apparatus, or (2) it transforms a particular article into a different state or thing." Since

the claim fails to meet the requirements mentioned above to place the claim in the

statutory category of a process, the claim fails to fall within one of the four statutory

categories (i.e., process, machine, manufacture, or composition of matter).

        Since claims 2, 4-8 and 21-24 are dependent on claim 1 and fail to overcome the

deficiencies of claim 1, the claims are rejected on the same grounds as claim 1.

7.   To allow for compact prosecution, the examiner will apply prior art to these

claims as best understood, with the assumption that applicant will amend to overcome

the stated 101 rejections.

Claim Rejections - 35 USC § 103

8.   Claims 1, 2, 3-8 and 21-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over US PGPub 2001/0034771 to Hutsch et al (hereafter Hutsch) in

view of US PGPub 2005/0091346 to US PGPub 2005/0091346 to Krishnaswami et

al (hereafter Krishnaswami).

Referring to claim 1, Hutsch discloses a method for managing configuration

data, the method comprising the steps of:

storing a plurality of configuration values in a hierarchical tree [DOM tree] having

a plurality of nodes (see [0327], lines 3-5), a defined structure [strongly typed schema]

(see [0418]), and defined data types for the stored configuration values (see [0329]),

wherein the plurality of nodes includes at least one inner node [i.e., color] and at least

one child node [i.e., red] that is associated with the inner node (see Fig 16A), and

wherein some of the nodes are only associated with a set of configuration values while

other of the nodes are associated with a combination of a set of configuration values

[value] and an identifier [key] associated with at least one application component (see

[0158] and [0159]);

registering at least one application component with at least one of the nodes of

the tree, based on at least one query [transaction] received from the at least one

application component (see [0159]); and

directly notifying the at least one application component [listener] when a

configuration value stored in the at least one node is modified [alterations], based on an

addition or change in at least one configuration value that matches the at least one

query [transaction] (see [0159]).

        Hutsch fails to explicitly disclose the further limitations of wherein at least one

configuration value is stored in each node of the plurality of nodes and wherein the at

least one node comprises at least one configuration value that dictates how the

application component at least one of behaves with and interacts with other application

components. Krishnaswami discloses a configuration manager, including the further

limitations of wherein at least one configuration value is stored in each node of the

plurality of nodes (see [0114]); registering at least one application component directly

with at least one of the nodes of the tree (see [0320]),wherein the at least one node

comprises at least one configuration value that dictates how the application component

at least one of behaves with and interacts with other application components

[dependencies] (see [0039] and [0063]); and directly notifying the at least one

application component when a configuration value is modified [notification of that

change is sent to the application] (see [0320]).

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to utilize the tree and registration concepts of Krishnaswami with the tree of

Hutsch. One would have been motivated to do so in order to improve the efficiency of

managing applications since it can be cumbersome to do so without a method of

understanding their configuration and dependencies (Krishnaswami: see [0002]).

        Referring to claim 2, the combination of Hutsch and Krishnaswami (hereafter

Hutsch/Krishnaswami) discloses the method of claim 1, wherein the at least one query

depends on at least one of a location of a configuration value in the tree [value] and a

data type of a configuration value (Hutsch: see [0159]).

Referring to **claim 4**, Hutsch/Krishnaswami discloses the method of claim 1,

wherein the at least one application component comprises a plurality of components of

an email application (Hutsch: see [0210] and [0316]).

Referring to **claim 5**, Hutsch/Krishnaswami discloses the method of claim 1,

wherein a node further includes a reference to at least one node (Hutsch: see Fig 16A).

Referring to **claim 6**, Hutsch/Krishnaswami discloses the method of claim 1,

wherein the notifying step comprises: modifying at least one configuration value that is

associated with the at least one node with which the at least one application component

is registered; storing in the hierarchical tree the configuration value that was modified,

the configuration value being stored at the at least one node with which the at least one

application component is registered; and notifying the at least one application

component that the configuration value was modified (Hutsch: see [0159]).

Referring to **claim 7**, Hutsch/Krishnaswami discloses the method of claim 6,

further comprising the step of supplying the configuration value that was modified to the

at least one application component (Hutsch: see [0159]).

Referring to **claim 8**, Hutsch/Krishnaswami discloses the method of claim 1,

further comprising the step of supplying at least one of the configuration values stored in

the hierarchical tree to the at least one application component (Hutsch: see [0159]).

Referring to **claim 21**, Hutsch/Krishnaswami discloses the method of claim 1,

wherein the plurality of configuration values in the hierarchical tree includes all of the

configuration data values that are required by the at least one application component
(Hutsch: see [0158] and [0159]).

Referring to claim 22, Hutsch/Krishnaswami discloses the method of claim 1,
wherein the step of registering at least one application component comprises registering
the at least one application component with the at least one inner node (Hutsch: see
[0159] and Fig 16A).

Referring to claim 23, Hutsch/Krishnaswami discloses the method of claim 22,
wherein the step of directly notifying the at least one application component comprises
directly notifying the at least one application component when at least one configuration
value associated with at least one of the inner node and the child node that is
associated with the inner node is modified, based on an addition or change in the at
least one configuration value (Hutsch: see [0159] and Fig 16A).

Referring to claim 24, Hutsch/Krishnaswami discloses the method of claim 1,
wherein at least one configuration value in the plurality of configuration values that is
associated with a first application component overlaps with another configuration value
in the plurality of configuration values that is associated with a second application
component, and the at least one configuration value and the other configuration value
are nested under a common sub-tree in the tree (Hutsch: see [0159]).

Response to Arguments

9.   Applicant's arguments with respect to the prior art rejections have been
considered but are moot in view of the new ground(s) of rejection.

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- US Patent No 6,952,703 titled "Subsystem Application Notification Method in

    a Centralized Router Database" to Kathail et al [see in particular, column 4,

    lines 5-17; column 7, lines 46-52; and column 8, lines 30-36]

- US PGPub 2004/0054569 titled "Contextual Computing System" to Pombo et

    al

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KIMBERLY LOVEL whose telephone number is (571)272-2750. The examiner can normally be reached on 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on (571) 272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John R. Cottingham/   /Kimberly Lovel/
Supervisory Patent Examiner, Art Unit 2167   Examiner
                                                  Art Unit 2167

18 December 2008
/kml/